

## **PORT ST. JOE, FLORIDA**

**DECEMBER 8, 2009**

### **REGULAR MEETING**

The Gulf County Board of County Commissioners met this date in a Special Meeting with the following members present: Chairman Nathan Peters, Jr., Vice Chairman Carmen L. McLemore, and Commissioners Billy E. Traylor, Bill Williams, and Warren J. Yeager, Jr.

Others present were: County Attorney Timothy McFarland, Clerk Finance Officer Carla Hand, Deputy Clerk Kari Summers, Chief Administrator Don Butler, Assistant Administrator Michael Hammond, Deputy Administrator Lynn Lanier, Grant Writer Towan Kopinsky, Planner David Richardson, Public Works Director Joe Danford, and Sheriff Joe Nugent.

Sheriff Nugent called the meeting to order at 6:00 p.m., E.T.

Planner Richardson opened the meeting with prayer, and Commissioner Traylor led the pledge of allegiance.

#### **CONSENT AGENDA**

Commissioner McLemore motioned to approve the Consent Agenda, based on removal of item #2, pages 24-35, and item #4, page 37. Commissioner Yeager seconded the motion, and it passed unanimously as follows.

1. Minutes – April 21, 2009 - Correction to Minutes
  - August 25, 2009 – Correction to Minutes
  - November 10, 2009 – Regular Meeting
  - November 12, 2009 – Combined Special Meeting
  - November 12, 2009 – Workshop
2. Agreement – Cathey Construction & Development LLC (South Gulf Fire Department)
3. Appointment – Citizens Advisory Task Force (Disaster C.D.B.G.)
4. Budget Request – Port St. Joe Redevelopment Agency (T.I.F. \* \$222,799.00 to be paid from Account #22652-83000)
5. Invoices - County Attorney Timothy J. McFarland (November, 2009 \* \$9,099.50 \* to be paid from Account #21314-31100)
  - Rumberger, Kirk & Caldwell - General Employment Matters (File #G214-107990 \* Invoice #743285 \* \$180.00 \* to be paid from Account #21111-31200)

- St. Joseph Bay Humane Society (November, 2009 \* \$2,762.00 \*  
to be paid from Account #43262-31000)

6. Ordinance Amendment – Animal Control (Ordinance #2008-20)
7. Resolution – 2008 Disaster Recovery C.D.B.G. Grant (Tropical Storm Fay, Hurricane Gustav and Hurricane Ike):

**RESOLUTION #2009-71**

**A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR 2008 DISASTER RECOVERY CDBG GRANT FUNDS TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS.**

**WHEREAS**, Gulf County desires to submit an application to the Florida Department of Community Affairs for 2008 Disaster Recovery C.D.B.G. Funds for recovery efforts related to Tropical Storm Fay, Hurricane Gustav and Hurricane Ike;

**NOW, THEREFORE, BE IT RESOLVED** by the County Commission of Gulf County as follows:

1. That Gulf County hereby authorizes the filing of an application for an 2008 Disaster Recovery Community Development Block Grant; and
2. That the Chairman of the Board of County Commissioners of Gulf County is hereby authorized to execute all documents required in connection with the filing of said application.

**THIS RESOLUTION PASSED** this 8<sup>th</sup> day of December, 2009.

(End)

Resolution – Small Matching Historic Preservation Grant (Interior of Old Gulf County Courthouse in Wewahitchka)

**RESOLUTION #2009-72**

**A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR THE SMALL MATCHING HISTORIC PRESERVATION GRANT FUNDS TO THE FLORIDA DEPARTMENT OF STATE.**

**WHEREAS**, Gulf County desires to submit an application to the Florida Department of State for Small Matching Historic Preservation Grant Funds to address the interior of the Old Gulf County Courthouse in Wewahitchka;

**NOW, THEREFORE, BE IT RESOLVED** by the County Commission of Gulf

County as follows:

1. That Gulf County hereby authorizes the filing of an application for Small Matching Historic Preservation Grant Funds; and
2. That the Chairman of the Board of County Commissioners of Gulf County is hereby authorized to execute all documents required in connection with the filing of said application.

**THIS RESOLUTION PASSED** this 8<sup>th</sup> day of December, 2009.

(End)

**PUBLIC HEARING – C.D.B.G. – DEPARTMENT OF COMMUNITY AFFIARS**

Susan Armstrong of Jordan & Associates appeared before the Board and reported that the Board has authorized them to write an application for Gulf County to obtain the funding for disaster funds, stating that one of the requirements is to hold a public hearing, and that the purpose of this meeting is to make the public aware that Gulf County has been awarded \$2,536,175.00 by the Department of Community Affairs through the Community Development Block Grant Disaster Recovery Program. She reported that this is the time to obtain input from the incorporated and unincorporated areas of Gulf County. Chairman Peters called for public comment. City Clerk Jim Anderson appeared before the Board and discussed the project at Highway 98 and Avenue A, stating that with the storm last week the roadway was closed for several hours due to the flooding. He requested that this project be placed on the list for assistance from the C.D.B.G. Chairman Peters reported that this project should be on the list, stating that they will be ranked, and requested for City Clerk Anderson to attend the meeting on December 9, 2009 at 9:00 a.m., E.T. in the Board Conference Room. Grant Writer Kopinsky reported that the Citizens Advisory Task Force will be meeting at 9:00 a.m., E.T., on December 9, 2009, stating that there are four potential projects County staff has presented to the County (1) the Stumphole, (2) Beacon Hill sewer, (3) Doc Whitfield Road (flooding areas), (4) Indian Pass Road (flooding areas), and any projects presented tonight will be considered and ranked by the Citizens Advisory Task Force. Upon inquiry by Chairman Peters, Grant Writer Kopinsky reported that the City cannot write a C.D.B.G. for this particular grant, but they are eligible to do a Neighborhood Revitalization C.D.B.G. at anytime. She reported that the disaster funding can only be applied for by the County, stating that the intent of this grant is to look at issues that were damaged during Hurricane Faye, Ike and Gustav, and that they are going to be looking at affordable rental housing. Jeffery White of Jordan & Associates appeared and discussed that as the consultant their scope of work would be to assist in creating an application that adheres to the priority of the projects as well as remains within the budget of the project. He reported that in addition to pertaining to affordable housing, it would be their recommendation to the Board to have those funds set aside to be able to identify all the proposed projects, stating that they would like to set aside the 14% for affordable rental housing. Patricia Hardman appeared before the Board and discussed that since Gustav there has been continuous problems of flooding from Jubilation to the fire station, and in the Indian Pass area, and requested that pumps be located in strategic places in these subdivisions, through this grant. She reported that Cape San Blas Road (C30-E) is also

getting covered with water as well, stating that this is very dangerous for people driving on this road. Upon inquiry by Commissioner Yeager, Mr. White reported that there is no agreement pertaining to State roads. Mr. White reported that all the suggestions from the meeting tonight will be discussed at the C.A.T.F. meeting tomorrow.

#### **PUBLIC HEARING – FAIR HOUSING WORKSHOP**

Susan Armstrong of Jordan & Associates appeared before the Board and reported that the County must pass a Fair Housing Ordinance to be eligible for C.D.B.G. funding; stating that although the County has adopted a Fair Housing Ordinance in the past, it must be updated annually. She reported that a Fair Housing Ordinance states that if anyone in the County feels like they have been unjustly discriminated against, then they can report this to the County, and the County has the authority to investigate, and if they think that it is unjustly they can file a written complaint with the State Attorney's Office. Ms. Armstrong read the Fair Housing Ordinance required by the C.D.B.G. regulations. Chairman Peters called for public comment. There was no public comment.

#### **WASTE MANAGEMENT – RATE INCREASE**

Richard Payne of Waste Management appeared before the Board and requested that Waste Management be granted a rate increase based on the fact that the Bay County Incinerator rate increased to \$42.20 per ton, effective January 1, 2010. Commissioner McLemore reported that the Board has worked extremely hard to reduce the garbage rates for the citizens of this County. Upon inquiry by Commissioner Yeager, Chief Administrator Butler reported that the contract reads that Waste Management can petition the Board in unusual or unexpected rate increases. County Attorney McFarland reported that the rate increase information is on pages 182-184 of the Information Packet. After further discussion by members of the Board, Commissioner McLemore motioned to deny their request for a rate increase. Commissioner Traylor seconded the motion, and it passed unanimously.

#### **PUBLIC HEARING – ORDINANCE – COMPREHENSIVE PLAN**

Pursuant to advertisement to hold a public hearing, County Attorney McFarland read the ordinance by title. Planner Richardson reported that this is part of the 091ER amendments, stating that this included the E.A.R. based amendments with the Department of Community Affairs. He reported that this includes the Gaskin Development, J.D. James Development, and the St. Johns Village amendments. Planner Richardson gave a presentation concerning these amendments. He reported that J.D. James is requesting a land use change of 25 acres from agriculture to commercial on C.R. 382, Gaskin is requesting a change of agriculture to residential, and St. Johns Village is requesting a change from agriculture to residential/mixed commercial. Chairman Peters called for public comment. There was no public comment. After further discussion by members of the Board, Commissioner Williams motioned to adopt this ordinance. Chairman Peters passed the Chair to Vice Chairman McLemore, and seconded the motion, and it passed unanimously. Chairman McLemore returned the Chair to Commissioner Peters.

### **ORDINANCE #2009-14**

### **AN ORDINANCE AMENDING THE GULF COUNTY COMPREHENSIVE PLAN PER**

**THE EAR REQUIREMENTS OF FLORIDA STATUTE 163.3191 BY AMENDING THE ELEMENTS OF GULF COUNTY COMPREHENSIVE PLAN THROUGH TEXT ADDITIONS, REMOVALS AND REVISIONS TO THE GOALS, OBJECTIVES AND POLICIES OF THE RESPECTIVE ELEMENTS; AMENDING THE COMPREHENSIVE PLAN FOR J.D. JAMES, ST. JOHNS VILLAGE AND THE GASKIN DEVELOPMENT PER THE LAND USE AMENDMENT REQUIREMENTS PER FLORIDA STATUTES 163; REVISING AND UPDATING THE MAP SERIES ENCLUDING THE EXISTING AND FUTURE LAND USE MAPS; UPDATING THE SUPPORTING DATA AND ANALYSIS; PROVIDING FOR REPEAL OF ORDINANCE IN CONFLICT THEREWITH, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF GULF COUNTY, FLORIDA.**

**WHEREAS**, Gulf County is required to keep the Gulf County Comprehensive Plan Goals, Objectives and Policies concurrent, and

**WHEREAS**, Gulf County is responding to the EAR requirements of Florida Statute 163.3191, and

**WHEREAS**, Gulf County was required to amend its Goals, Objectives and Policies to comply with the requirements of HB 697 for green house gases and energy conservation, and

**WHEREAS**, Gulf County amended the Land Use Element, Transportation Element, Housing Element, "Infrastructure" Element, Coastal Management Element, Conservation Element, Capital Improvements Element and land use maps of the Comprehensive Plan to comply with the Department of Community Affairs ORC (#09-1ER) dated January 12, 2009, and

**WHEREAS**, Gulf County amended the Land Use Element with Policy 1.3.16 for St. John's Village and Policy 1.3.17 for the Gaskin Development, and

**WHEREAS**, Gulf County amended the Land Use Maps changing Agricultural Land Use to Residential Land Use for the Gaskin Development land use change, and

**WHEREAS**, Gulf County amended the Land Use Maps changing Agricultural Land Use to Mixed Commercial/Residential Land Use for the St. John's Village land use change, and

**WHEREAS**, Gulf County amended the Land Use Maps changing Agricultural Land Use to Commercial Land Use for the J.D. James land use change, and

**WHEREAS**, The revised Gulf County Comprehensive Plan is available to the public, and

**WHEREAS**, the Public Notice advertisement was published November 24, 2009 in a local paper for the Public Hearings to be held on December 8, 2009, and

**NOW THEREFORE**, Gulf County adopts as part of the first amendment cycle for 2009 (DCA #09-1ER), the EAR based amendments, J.D. James amendments, Gaskin Development amendments, and the St. John's Village amendments this December 8, 2009.

If any part of this Ordinance is held to be unconstitutionally void or invalid, the validity of the remaining part of the Ordinance shall not be affected thereby.

Any other Ordinance or portion of any Ordinance in force at the time this Ordinance becomes effective, which may be in conflict with the provisions of this Ordinance, shall be deemed to have been replaced and repealed to the extent of such conflict, otherwise, the same shall remain in full force and effect.

**Passed and duly adopted by the Gulf County Board of County Commissioners for Gulf County, Florida this December 8, 2009.**

(End)

#### **STUMPHOLE PROJECT – EXTENSION**

Grant Writer Kopinsky requested permission to submit a letter requesting a 90 day extension for the Stumphole project. Commissioner Yeager motioned to approve this request. Commissioner McLemore seconded the motion, and it passed unanimously.

#### **CITY OF PORT ST. JOE INVOICE – BEACHES SEWER**

Grant Writer Kopinsky requested payment for the City of Port St. Joe invoice for the Beaches sewer project, in the amount of \$114,232.50, stating that she received the invoice today. Commissioner Yeager motioned to approve this request. Commissioner McLemore seconded the motion for discussion, stating that anytime an invoice is received at the last minute from anyone, it can wait and be placed in the next consent agenda. Commissioner Williams reported that no one has had the proper time to review the invoice before payment. Commissioner McLemore withdrew the second, and Commissioner Yeager withdrew the motion. Upon inquiry by Commissioner McLemore, Chairman Peters reported that the County Engineers and Grant Writer Kopinsky has signed off on the invoice. Commissioner Williams reported that the City has protocols to follow. Chairman Peters reported that he will submit a letter to the City requesting them not to submit an invoice for payment at the last minute. Commissioner Yeager motioned to pay the City invoice, in the amount of \$114,232.50. Chairman Peters passed the Chair to Vice Chairman McLemore, and seconded the motion for discussion. After further discussion by members of the Board, the motion failed 3 to 2, with Commissioner Traylor, Commissioner Williams and Chairman McLemore voting no. Chairman McLemore returned the Chair to Commissioner Peters. Commissioner McLemore motioned to table this invoice until the next special or regular meeting. Commissioner Traylor seconded the motion, and it passed unanimously.

### **PUBLIC WORKS – SUPERVISOR ON CALL LIST**

Public Works Director Danford reported that he has formalized a Supervisor on call list for the Public Works Department on a weekly basis, and requested permission for the on-call Supervisor to drive the County vehicle home during their week of call. Commissioner Traylor motioned to approve this request. Commissioner Williams seconded the motion, and it passed unanimously. Commissioner McLemore requested that Public Works Director Danford and Chief Administrator Butler get more involved in the day to day operations of the Public Works Supervisors, stating that he wants Chief Administrator Butler 2 days per week working with the Public Works Supervisors.

### **ST. JOSEPH BAY BUFFER PRESERVE – ROLL-OFF CONTAINER**

Public Works Director Danford reported that he received a request from the St. Joseph Bay Buffer Preserve for roll-off containers for C.C.A. lumber, stating that this would have to be hauled to Panama City at the Counties expense. The Board took no action.

### **MOSQUITO CONTROL DIRECTOR – COTHRAN**

Public Works Director Danford reported that on January 2, 2006, Mark Cothran took over as Assistant Mosquito Control Director, stating that per the guidelines he has to have four years of Supervisory experience, and requested that the Board formally acknowledge effective January 2, 2010, that he is eligible for the Mosquito Control Director position (he will notify the State for their concurrence). Commissioner Yeager motioned to approve this request. Commissioner Traylor seconded the motion, and it passed unanimously.

### **LANDFILL – COLLECTION OF FEES**

Upon inquiry by Chairman Peters, Public Works Director Danford reported that they have procedures in place to collect fees at the landfill by check or credit card, stating that they reconcile and transfer the funds collected to the Clerk's Office. He reported that they have allowed people to leave the landfill to get a check or to purchase a money order and return back to the landfill, by taking down their tag number. Public Works Director Danford reported that he has worked out a voucher system, stating that it is complicated, and he does not expect many people to use the voucher system, but it will be available if needed. He reported that the residents have been notified through ads in the paper and that it is also posted at the landfill.

### **NELSON – THANK YOU**

Emergency Management Director Nelson appeared before the Board and thanked the Commissioners and County Staff for all their support and prayers during the loss of his son Bryce Nelson.

### **EDWARD BYRNE MEMORIAL GRANT**

Sheriff Nugent requested permission for the Chairman to sign the Edward Byrne Memorial Grant fund paperwork. Commissioner Traylor motioned to approve this request. Commissioner Yeager seconded the motion, and it passed unanimously.

### **STUMPHOLE – ROCKS**

Sheriff Nugent apologized for the confusion concerning the rocks in the road at the

Stumphole after the last storm.

### **E.Z.D.A. MEETING**

Chief Administrator Butler reported that the E.Z.D.A. have been meeting monthly since June to make changes to the Enterprise Zone Map, stating that the State allows 20 square miles of enterprise zone, and their objective is to change the map to reflect the areas which may be changed in the next three years. He reported that all requests which have been made from June through the present have been placed on the map, and there is still some acreage left over. Chief Administrator Butler reported that the recommendation from the E.Z.D.A. is for the Board to recognize the map. He reported that G.I.S. has taken the enterprise zones out of the roadways, government properties, and wetlands, and reallocated those areas somewhere else, stating that the maps need to be submitted to the State prior to January 1, 2010. Commissioner Yeager motioned to approve this recommendation. Commissioner Williams seconded the motion, and it passed unanimously.

### **AGREEMENT – CATHEY CONSTRUCTION & DEVELOPMENT – SOUTH GULF COUNTY FIRE DEPARTMENT**

Chief Administrator Butler reported that he pulled item #2, (pages 24-35) from the Consent Agenda, stating that the Agreement has not been reviewed by the County Attorney, and recommended the Chairman sign contingent upon County Attorney McFarland review. Commissioner Yeager motioned to approve this recommendation. Commissioner McLemore seconded the motion, and it passed unanimously.

### **SOUTH GULF COUNTY FIRE DEPARTMENT – PAYMENT REQUEST**

Chief Administrator Butler recommended that all request for payment be signed off by the Building Department on all County jobs before it is presented to Chief Administrator Butler for approval. Commissioner Traylor motioned to approve this recommendation and pay this payment request, contingent upon it being signed off by the Building Department. Commissioner Yeager seconded the motion, and it passed unanimously.

### **CHIPOLA CUT-OFF DRIVE – INVOICES**

Chief Administrator Butler presented a packet to the Board containing copies of invoices for previous work done to Chipola Cut-Off. He reported that now the Army Corp of Engineers is requesting additional information on this project, and that a metric survey to be performed in the river. Mr. Butler stated that this may cost an additional \$2,000-\$3,000 and is not budgeted, but is something that will have to be done because the road is caving in. Bill Kennedy of Preble-Rish, Inc. appeared before the Board and reported that the Army Corp of Engineers is requesting that filter fabric be placed under the rocks in the river; stating that it is impossible to place this fabric under the rocks due to the current, and they survey the entire width of the river; stating that they have already placed rock in approximately 40 feet of the river. He reported that they want the bouie markers located in the river, stating that once the rocks are dumped you have ten days to make application for the dredge and fill. Upon inquiry by Commissioner Yeager, Mr. Kennedy reported that Garlick Environmental is handling the permit, and Preble-Rosh, Inc is handling the survey only. Bill Kennedy of Preble-Rish, Inc. reported that he will schedule a site meeting and he will report back to the Board at the next Board meeting.

**GULF COUNTY C.D.C. – FLORIDA HOMEBUYER’S OPPORTUNITY PROGRAM – WATSON**

Chief Administrator Butler presented a Florida Homebuyer’s Opportunity Program assistance request for Aaron & Marci Watson, in the amount of \$8,000.00. Commissioner Traylor motioned to approve the request. Commissioner Yeager seconded the motion, and it passed unanimously.

**GULF COUNTY C.D.C. – RESOLUTION #2009-73**

Chief Administrator Butler recommended approval of a Resolution supporting the elimination of the cap on State and Local Housing Trust Funds through Gulf County C.D.C. County Attorney McFarland read the proposed Resolution by title. Commissioner Traylor motioned to adopt the proposed Resolution. Commissioner Williams seconded the motion, and it passed unanimously.

**RESOLUTION #2009-73**

**A RESOLUTION OF THE COUNTY COMMISSION OF GULF COUNTY, FLORIDA SUPPORTING ELIMINATION OF THE CAP ON THE STATE AND LOCAL HOUSING TRUST FUNDS (HOUSING TRUST FUNDS) AND SUPPORTING FULL APPROPRIATION OF THE HOUSING TRUST FUNDS FOR HOUSING PROGRAMS, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Gulf County has an obligation to provide for the housing needs of its current and anticipated populations and assisting lower income families if dependent upon sufficient housing assistance from federal and state programs; and

**WHEREAS**, the William E. Sadowski Affordable Housing Act of 1992 created a dedicated revenue source for the state and local housing trust funds expressly and specifically to fund state and local housing programs that assist local governments in meeting the housing needs of its population; and

**WHEREAS**, the Legislature enacted a cap on the Housing Trust Funds of approximately \$243 million per year, beginning Fiscal Year 2007-2008; and

**WHEREAS**, the cap is currently higher than the projected revenue for the Housing Trust Funds for Fiscal Years 2010-2011, 2011-2012, and approximately \$9 million less than the August, 2009 revenue projection for 2012-2013, and therefore removal of the cap would have little or no negative fiscal impact on the state budget for the next three fiscal years; and

**WHEREAS**, the money dedicated to the state and local housing trust funds is always subject to legislative appropriation and therefore removal of the cap has no impact on state revenue; and

**WHEREAS**, housing trust fund monies are the single greatest boost to the economy, providing \$7.66 million of economic impact for every \$1 million of state funding,

and full appropriation of housing trust fund monies is critically needed to stimulate our local and state economy; and

**WHEREAS**, the unmet housing needs of low income Floridians is substantial and the downturn in the real estate market creates opportunities for acquiring, constructing, rehabilitating, and preserving housing to meet these needs, and these opportunities are lost without Housing Trust fund monies.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSIONERS OF GULF COUNTY, FLORIDA, AS FOLLOWS:**

- Section 1. That the foregoing clauses are ratified and confirmed as being true and correct and are made a part of this Resolution.
- Section 2. That the County of Gulf supports repeal of the cap on the Housing Trust Funds, and urges the Governor and Legislature to adopt statutory changes during the 2010 Legislative Session to repeal the cap.
- Section 3. That the County of Gulf supports full appropriation of housing trust fund monies for housing in the Fiscal year 2010-2011 Budget.
- Section 4. That the appropriate County Officials are hereby authorized to do all things necessary and expedient to carry out the provisions of this Resolution.
- Section 5. That this Resolution shall take effect immediately upon adoption hereof.

**PASSED AND ADOPTED** this 8<sup>th</sup> day of December, 2009.

(End)

**GRANT FUNDS – BEACH MOUSE**

Chief Administrator Butler recommended for the Board to request grant funds for the beach mouse from the Florida Wildlife Conservation to help develop a habitat conservation plan for the St. Andrews beach mouse. Commissioner Yeager discussed that Fish & Wildlife has reported that if anyone gets a building permit and builds in the beach mouse habitat, and a beach mouse is killed, then the resident can be criminally charged for killing the beach mouse. He stated that if the County adopts a habitat conservation plan and shows what has been done in the past, and plans for the future to protect the environment, the County will have a “take” permit giving the public the right to build on their property. Commissioner Yeager motioned to approve this recommendation. Commissioner Traylor seconded the motion, and it passed unanimously.

**APALACHEE REGIONAL PLANNING COUNCIL – APPOINTMENTS**

Chief Administrator Butler discussed a letter from A.R.P.C. regarding a County representative to serve on the Apalachee Regional Planning Council, and stated that last year Property

Appraiser Kesley Colbert and Tony Justice from the City of Wewahitchka were appointed. Commissioner Traylor motioned to re-appoint Property Appraiser Colbert and Wewahitchka City Commissioner Tony Justice. Commissioner Yeager seconded the motion, and it passed unanimously.

### **T.D.C. – CORRECTION TO NOVEMBER 10, 2009 MINUTES/HIRING PROTOCOL**

Chief Administrator Butler requested the Board to make a correction to the minutes of November 10, 2009 Regular Meeting (page 11 in the Consent Agenda), stating that the Board's decision was have the T.D.C. screening committee to review all applicants and make recommendation of the top two candidates to the County appointed hiring committee, pursuant to Board policy, not to make recommendation to the County Commission as the minutes currently reflect. Commissioner Williams requested the Board table this matter until later in the meeting. Discussion ensued with Commissioner Williams stating that he learned today that the T.D.C. Board took action that was contrary to the action of this Board. He stated that based on the T.D.C. Boards action, the T.D.C. screening Committee would only review these resume's, without making a recommendation, and that the Board's hiring committee would be doing the interviews-questioning and he is strongly opposed to that. Commissioner Williams recommended that the T.D.C. Screening Committee review, interview and make a recommendation of the top two candidates to Chief Administrator Butler and Human Resource Director Manuel as originally intended. Upon inquiry by Commissioner Traylor, Commissioner Williams reported that the motion by the T.D.C. Board was for this not to occur. Commissioner Traylor stated that he wants to follow the motion of the T.D.C. Board. Commissioner Williams reported that he is opposed to this process. Chief Administrator Butler stated that his recommendation was for the correction to the minutes only and has nothing to do with what Commissioner Williams has discussed. Commissioner Traylor motioned to correct the minutes of November 10, 2009 as recommended by Chief Administrator Butler. Commissioner Yeager seconded the motion, and it passed unanimously.

Chairman Peters reported that the Board needs to make a decision on the procedure it will require for the hiring of the T.D.C. Director position. Commissioner Williams reported that this Board has already decided on this procedure, stating that the T.D.C. Board needs to follow the direction of this Board. Discussion continued. Commissioner Williams motioned for the Board of County Commissioners to follow the vote that is already preceded, staying with our original motion. Commissioner Yeager asked if a motion was necessary if the Board stayed with their original unanimous vote. Commissioner Williams then withdrew his motion. Commissioner Traylor motioned to follow the recommendation of the T.D.C. Commissioner McLemore seconded the motion for discussion. Upon inquiry by Chairman Peters, Chief Administrator Butler reported that he does not know what the T.D.C. is recommending. Commissioner Traylor reported that T.D.C. is going to make the recommendation to Chief Administrator Butler, Human Resource Director Manuel, and Allyson Gerlach which will make the final decision on who is hired. Commissioner Williams stated that that was not correct; that the T.D.C. Board changed the protocol that we voted on. Following questions and clarity concerning the recommendation of the T.D.C. Board, Commissioner Traylor amended his motion to have Allyson Gerlach, Chief Administrator Butler, Human Resource Director Manuel, and T.D.C. Director Picket make the final decision on the hiring of the new T.D.C. Director, after the T.D.C. Committee submits those two (2) names. The motion then passed 3 to 2, with Commissioner Williams and

Commissioner Yeager voting no.

**PORT ST. JOE PORT AUTHORITY – PUBLIC FACILITY CONTRACT**

Commissioner Yeager reported that the Port Authority is requesting a public facility contract with the Board, stating that this has been reviewed by Chief Administrator Butler and County Attorney McFarland, and that Gulf County is a County of critical economic concern, which will allow for the Port Authority to waive permit fees for the Port Facility. Commissioner Yeager motioned to approve this request. Commissioner Traylor seconded the motion, and it passed unanimously.

**CAPE SAN BLAS LIGHTHOUSE – TOURS**

Commissioner Yeager reported that all the issues with the Cape San Blas Lighthouse have been resolved, and that the tours should resume within two weeks.

**STORMWATER COMMITTEE – APPOINTMENT**

Commissioner Yeager reported that there have been a lot of issues with storm water, and requested that a storm water committee be appointed, stating that each Commissioner could appoint one member from their district to serve on this committee. Commissioner Yeager reported that he found some pumps with the City of Port St. Joe, and the County can use these pumps when needed.

**D.E.P. PUBLIC HEARING – C.C.C.L.**

Commissioner Yeager reported that D.E.P. held a public hearing concerning the movement of the C.C.C.L., stating that the intent of the Legislature was to allow all platted property and lots which are able to be built on prior to the movement of the C.C.C.L., be allowed to be built on after the movement. He reported that there will be a meeting set up with Secretary Sole for clarification.

**STONE MILL CREEK FIRE DEPARTMENT/OVERSTREET FIRE DEPARTMENT**

Commissioner Traylor motioned to pay \$100.00 to the Stone Mill Creek Fire Department, \$100.00 to the Overstreet Fire Department from the District 2 Recreational Fund, and \$200.00 for the District 4 Workcrew, to be paid from the Workcrew fund. Commissioner Yeager seconded the motion, and it passed unanimously.

**GULF COUNTY DETENTION FACILITY**

Commissioner Traylor commended Jail Administrator Hammond for the Gulf County Detention Facility. Jail Administrator Hammond reported that he started with 61 inmates, and currently today there are 37, with one female in Bay County.

**FISHER CONSTRUCTION**

Commissioner Traylor reported that there was a bad article printed in The Star concerning Ralph Fisher of Fisher Construction, stating that Fisher Construction has been a great contractor for the County.

**SAVE THE BEARS**

Commissioner Traylor reported that he is for saving the bears, and presented a picture of Commissioner Yeager with a bear in background. Chairman Peters discussed an article in

paper from Liberty County concerning bears.

### **PORT ST. JOE REDEVELOPMENT AGENCY – TAX INCREMENT FUNDING**

Chairman Peters reported that item # 4, (page 37) of the Consent Agenda was pulled, and requested that this budget request be paid. Chairman Peters passed the Chair to Vice Chairman McLemore, and motioned to pay the Port St. Joe Redevelopment Agency, in the amount of \$222,799.00. Commissioner Yeager seconded the motion, and it passed 4 to 1, with Commissioner Traylor voting no. Chairman McLemore returned the Chair to Commissioner Peters.

### **MEETING CANCELLATION**

Chairman Peters passed the Chair to Vice Chairman McLemore and motioned to cancel the second regular meeting in December due to the holidays. Commissioner Yeager seconded the motion, and it passed unanimously. Chairman McLemore returned the Chair to Commissioner Peters.

### **2010 CHAIRMANSHIP**

Upon motion by Commissioner Traylor, second by Commissioner Williams, and unanimous vote, the Board approved for Commissioner McLemore to assume Chairmanship effective the first meeting in January, 2010, and for Commissioner Yeager to be Vice Chairman.

### **T.D.C. BOARD**

Commissioner Williams motioned for Commissioner Yeager to serve as the Board of County Commissioners Representative on the T.D.C. Board effective January 1, 2010. Chairman Peters passed the Chair to Vice Chairman McLemore, and seconded the motion for discussion. After further discussion by members of the Board, Commissioner Williams withdrew the motion, and Commissioner Peters withdrew the second. Commissioner Peters motioned for the Board of County Commissioners to designate a Chairperson to serve on the T.D.C. Board, and if he does not want to serve then appoint another Commissioner effective the 1<sup>st</sup> meeting in January, 2010. Commissioner Yeager seconded the motion, and it passed unanimously. Chairman McLemore returned the Chair to Commissioner Peters.

Commissioner Williams requested for the new Chairman, Chief Administrator Butler and Assistant Administrator Hammond to review the expenditures for the T.D.C. No action was taken.

### **WATER/SEWER RATE INCREASES**

Commissioner Williams reported that there needs to be a rate review with the citizens and the City of Port St. Joe concerning the water and sewer rate increases, and requested Chairman Peters submit a letter to the City of Port St. Joe concerning this issue.

### **BEACON HILL VETERANS PARK – IMPACT FUNDS**

Commissioner Williams reported that he will meet with Grant Writer Kopinsky concerning the impact funds for the Beacon Hill Veterans Park.

### **ROADS – ST. JOE BEACH**

Chairman Peters reported that he has received several calls concerning the condition of the roads in the St. Joe Beaches area. Commissioner Williams reported that Chief Administrator Butler and Staff have been monitoring the issue with the roads, stating that there have been roads cut into, leaving holes open in the roads.

### **ANIMAL CONTROL**

Roy Harper of White City appeared before the Board and discussed that he inquired at the November 8, 2009, meeting in Howard Creek about the number of dogs that require you have a kennel, stating that County Attorney McFarland reported seven dogs. He reported that the Animal Control Officer counted twenty-two dogs and some puppies at the home of Donnie Marcus in White City, stating that the ordinance does not provide for the Animal Control Officer to fine the owner for this number of dogs. Commissioner McLemore reported that he met with the owner concerning these dogs and that the Animal Control Officer is working on this issue. Commissioner Yeager reported that a penalty was approved in the Consent Agenda tonight to cover a kennel violation. Commissioner McLemore reported that Mr. Harper is the only complaint which has been received concerning this issue.

### **COUNTY LAWSUIT – SHERIFF**

Upon inquiry by Raymond Wood of 2212 West Highway 98 Port St. Joe, Chairman Peters reported that the Board holds jurisdiction over all the property of the County. Mr. Wood reported that he was arrested for trespassing after warning in the Courthouse and spent 3 ½ months in the Gulf County Jail, stating that he has a copy of the Federal lawsuit which he presented to Chairman Peters and Commissioner Williams.

### **FLORIDA ASSOCIATION OF COUNTIES – FIREMAN**

Chairman Peters reported that he, Commissioner Yeager and Commissioner Williams attended a course through the Florida Association of Counties concerning fireman, and that the Fire Chief training has increased the hours for volunteer fire departments, stating that this is extremely hard for small volunteer fire departments and that the Small County Coalition is working on improving this issue. Planner Richardson reported that the regulations are getting more stringent and that this will cause you to lose your volunteers and civic service.

### **T.D.C. MEETINGS**

Bob Willis appeared before the Board and stated that on October 1, 2009, the T.D.C. named a selection committee of Allyson Gerlach, Commissioner Williams, Mr. Pettis, City Commissioner Reeves, Mr. Tony Justice, and on November 5, 2009, they adopted the selection process of the selection committee and the questions which would be asked for the selection process. He reported that on December 4, 2009, the five members present (one by phone) did not discuss anything concerning the change in the selection committee function, stating that the selection committee was asked to stay after the meeting to review the questions they would ask the applicants.

### **APPRECIATION – PARKER**

Chairman Peters thanked John and Carline Parker for participating in the Board meetings

during his term as Chairman. Chairman Peters passed the Chair to Vice Chairman McLemore and motioned for John and Carline Parker as 2009 Citizen of the Year for attending all Board meetings. Commissioner Yeager seconded the motion, and it passed unanimously. Chairman McLemore returned the Chair to Commissioner Peters.

Chairman Peters wished everyone a Merry Christmas and reminded everyone to remember the reason for the season.

There being no further business, and upon motion by Commissioner McLemore, the meeting did then adjourn at 8:20 p.m., E.T.

**NATHAN PETERS, JR.  
CHAIRMAN**

**ATTEST:  
REBECCA L. NORRIS  
CLERK**